

H-A

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#3

# Collier Shannon Scott

May 15, 2001



MARK W. RYGIEL  
202.342.8480  
mrygiel@colliershannon.com

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

**Re: U.S. Patent Application Serial No. 09/772,066**  
**For: BUSINESS METHOD FOR PROVIDING WIRELESS COMMUNICATION**  
**SERVICES AND NETWORK AND SYSTEM FOR DELIVERING SAME**  
**Our Reference: 50310-00630**

Dear Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office in connection with the above-referenced application are the following documents: (1) Transmittal Form (1 sheet); (2) Fee Transmittal Form (1 sheet); (3) a Response to Notice to File Missing Parts of Nonprovisional Application (1 sheet); (4) a copy of the Notice to File Missing Parts of a Nonprovisional Application (1 sheet); (5) an executed Declaration and Power of Attorney (4 sheets); (6) Recordation Form Cover Sheet Patents Only with executed Assignment (5 sheets); (7) formal drawings depicting Figs. 1-34 in compliance with 37 CFR 1.84 (in duplicate) (76 sheets); (8) a Preliminary Amendment (2 sheets); (9) an Information Disclosure Statement and PTO Form 1449 with 7 references cited thereon (130 sheets); (10) a Request for Corrected Filing Receipt with changes noted in red on copy attached thereto (2 sheets); and (11) a check in the amount of \$188.00 (\$130 for late filing fee for oath; \$18 for extra claim over 20; \$40 for recording assignment).

Sincerely yours,

  
PATRICK J. COYNE, Reg. No. 31,821  
MARK W. RYGIEL, Reg. No. 45,871

Enclosures



Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

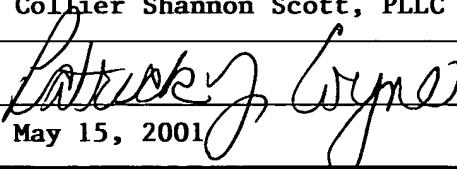
(to be used for all correspondence after initial filing)

|  |                      |                        |             |
|--|----------------------|------------------------|-------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 09/772,066             |             |
|  | Filing Date          | January 30, 2001       |             |
|  | First Named Inventor | Doug Hutcheson et al.  |             |
|  | Group Art Unit       |                        |             |
|  | Examiner Name        |                        |             |
| Total Number of Pages in This Submission   | 232                  | Attorney Docket Number | 50310-00630 |

### ENCLOSURES (check all that apply)

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><br><input checked="" type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers<br>(for an Application)<br><input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication<br>to Group<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below):<br><p style="margin-left: 20px;"><b>PTO Form 1449 with<br/>references; Request for<br/>Corrected Filing Receipt</b></p> |
| Remarks  |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                               |   |
|-------------------------------|---|
| Firm<br>or<br>Individual name | PATRICK J. COYNE/MARK W. RYGIEL<br>Collier Shannon Scott, PLLC                      |
| Signature                     |  |
| Date                          | May 15, 2001  |

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

|                       |  |      |
|-----------------------|--|------|
| Typed or printed name |  | Date |
| Signature             |  |      |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

MAY 15 2001

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$188.00)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/772,066            |
| Filing Date          | January 30, 2001      |
| First Named Inventor | Doug Hutcheson et al. |
| Examiner Name        |                       |
| Group Art Unit       |                       |
| Attorney Docket No.  | 50310-00630           |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  
 Deposit Account Number   
 Deposit Account Name   
 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  
 Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid             |
|----------------------------|----------------------------|------------------------|----------------------|
| 101 710                    | 201 355                    | Utility filing fee     | <input type="text"/> |
| 106 320                    | 206 160                    | Design filing fee      | <input type="text"/> |
| 107 490                    | 207 245                    | Plant filing fee       | <input type="text"/> |
| 108 710                    | 208 355                    | Reissue filing fee     | <input type="text"/> |
| 114 150                    | 214 75                     | Provisional filing fee | <input type="text"/> |

SUBTOTAL (1) (\$0.00)

## 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims                 | Fee from below         | Fee Paid               |
|--------------------|------------------------------|------------------------|------------------------|
| 53                 | -20** = 1                    | x 18                   | = 18                   |
| Independent Claims | - 3** = <input type="text"/> | x <input type="text"/> | = <input type="text"/> |
| Multiple Dependent |                              |                        | <input type="text"/>   |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                                     |
| 102 80                     | 202 40                     | Independent claims in excess of 3                          |
| 104 270                    | 204 135                    | Multiple dependent claim, if not paid                      |
| 109 80                     | 209 40                     | ** Reissue independent claims over original patent         |
| 110 18                     | 210 9                      | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 18.00)

\*or number previously paid, if greater; For Reissues, see above

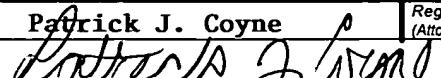
## 3. ADDITIONAL FEES

| Fee Code (\$)             | Fee Code (\$) | Fee  | Fee Description      | Fee Paid |
|---------------------------|---------------|--|----------------------|----------|
| 105 130                   | 205 65        | Surcharge - late filing fee or oath  | <input type="text"/> | 130      |
| 127 50                    | 227 25        | Surcharge - late provisional filing fee or cover sheet                     | <input type="text"/> |          |
| 139 130                   | 139 130       | Non-English specification  | <input type="text"/> |          |
| 147 2,520                 | 147 2,520     | For filing a request for ex parte reexamination                            | <input type="text"/> |          |
| 112 920*                  | 112 920*      | Requesting publication of SIR prior to Examiner action                     | <input type="text"/> |          |
| 113 1,840*                | 113 1,840*    | Requesting publication of SIR after Examiner action                        | <input type="text"/> |          |
| 115 110                   | 215 55        | Extension for reply within first month                                     | <input type="text"/> |          |
| 116 390                   | 216 195       | Extension for reply within second month                                    | <input type="text"/> |          |
| 117 890                   | 217 445       | Extension for reply within third month                                     | <input type="text"/> |          |
| 118 1,390                 | 218 695       | Extension for reply within fourth month                                    | <input type="text"/> |          |
| 128 1,890                 | 228 945       | Extension for reply within fifth month                                     | <input type="text"/> |          |
| 119 310                   | 219 155       | Notice of Appeal   | <input type="text"/> |          |
| 120 310                   | 220 155       | Filing a brief in support of an appeal                                     | <input type="text"/> |          |
| 121 270                   | 221 135       | Request for oral hearing   | <input type="text"/> |          |
| 138 1,510                 | 138 1,510     | Petition to institute a public use proceeding                              | <input type="text"/> |          |
| 140 110                   | 240 55        | Petition to revive - unavoidable   | <input type="text"/> |          |
| 141 1,240                 | 241 620       | Petition to revive - unintentional   | <input type="text"/> |          |
| 142 1,240                 | 242 620       | Utility issue fee (or reissue)   | <input type="text"/> |          |
| 143 440                   | 243 220       | Design issue fee   | <input type="text"/> |          |
| 144 600                   | 244 300       | Plant issue fee  | <input type="text"/> |          |
| 122 130                   | 122 130       | Petitions to the Commissioner  | <input type="text"/> |          |
| 123 50                    | 123 50        | Processing fee under 37 CFR 1.17(q)  | <input type="text"/> |          |
| 126 180                   | 126 180       | Submission of Information Disclosure Stmt                                  | <input type="text"/> |          |
| 581 40                    | 581 40        | Recording each patent assignment per property (times number of properties) | <input type="text"/> | 40       |
| 146 710                   | 246 355       | Filing a submission after final rejection (37 CFR § 1.129(a))              | <input type="text"/> |          |
| 149 710                   | 249 355       | For each additional invention to be examined (37 CFR § 1.129(b))           | <input type="text"/> |          |
| 179 710                   | 279 355       | Request for Continued Examination (RCE)                                    | <input type="text"/> |          |
| 169 900                   | 169 900       | Request for expedited examination of a design application                  | <input type="text"/> |          |
| Other fee (specify) _____ |               |  |                      |          |

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 170.00)

## SUBMITTED BY

## Complete if applicable

|                   |   |                                   |        |           |              |
|-------------------|---|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Patrick J. Coyne  | Registration No. (Attorney/Agent) | 31,821 | Telephone | 202.342.8400 |
| Signature         |  |                                   |        | Date      | May 15, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#3

O I P E  
MAY 15 2001  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Doug Hutcheson et al.**

Application Serial No.: **09/772,066**

Filed: **January 30, 2001**

For: **BUSINESS METHOD FOR PROVIDING WIRELESS COMMUNICATION SERVICES AND NETWORK AND SYSTEM FOR DELIVERING SAME**

Attorney Docket #: **50310-00630**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed March 15, 2001 Applicants' attorney submits the following documents in order to complete the formal requirements for the above-referenced application.

- (1) Copy of Notice to File Missing Parts of Nonprovisional Application;
- (2) Executed Declaration and Power of Attorney;
- (3) Recordation Form Cover Sheet -- Patents Only, with executed Assignment of Application of United States Patent attached thereto;
- (4) Formal drawings depicting Figs. 1-34 in compliance with 37 CFR 1.84; and
- (5) Preliminary Amendment.

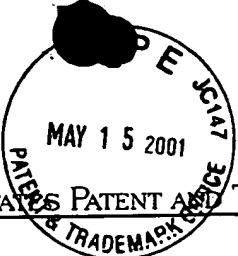
A check in the amount of \$188.00 to cover the Government surcharge (\$130 fee for the late filing of the Oath; \$40 for recording of the Assignment; and \$18 for extra claim fee) is enclosed herewith.

Respectfully submitted,

  
\_\_\_\_\_  
PATRICK J. COYNE Reg. No. 31,821

MARK W. RYGIEL, Reg. No. 45,871  
COLLIER SHANNON SCOTT, PLLC  
3050 K Street, N.W., Suite 400  
Washington, D.C. 20007  
(202) 342-8400

Dated: May 15, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/772,066         | 01/30/2001          | Doug Hutchenson       | 50310-00630            |

CONFIRMATION NO. 8177

25243

COLLIER, SHANNON, SCOTT, PLLC  
3050 K STREET, NW  
SUITE 400  
WASHINGTON, DC 20007

FORMALITIES LETTER



'OC000000005863710'

Date Mailed: 03/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/16/2001 SDIRETA1 00000009 09772066

FILED UNDER 37 CFR 1.53(b)

01 FC:103  
02 FC:105

18.00 OP  
130.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$18.
  - \$18 for 53 total claims over 20.
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 148.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

MAY 15 2001

4/12/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Doug Hutcheson, et al.**

Application Serial No.: **09/772,066**

Filed: **January 30, 2001**

For: **BUSINESS METHOD FOR PROVIDING WIRELESS  
COMMUNICATION SERVICES AND NETWORK AND SYSTEM  
FOR DELIVERING SAME**

Attorney Docket #: **50310-00630**

**REQUEST FOR A CORRECTED FILING RECEIPT**

The Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants respectfully request that the filing Receipt for the above-mentioned application, a copy of which is attached, be corrected to reflect the changes as shown in red.

Thank you for your prompt attention to this matter.

Respectfully submitted,

Date: May 15, 2001

  
\_\_\_\_\_  
PATRICK J. COYNE, Reg. No. 31,821  
MARK W. RYGIEL, Reg. No. 45,871  
COLLIER SHANNON SCOTT, PLLC  
3050 K Street, N.W., Suite 400  
Washington, D.C. 20007  
(202) 342-8400

MAY 15 2001

MR 50310-22630 a5



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 09/772,066         | 01/30/2001  | 2681         | 1966          | 50310-00630    | 31       | 73         | 7          |

25243  
COLLIER, SHANNON, SCOTT, PLLC  
3050 K STREET, NW  
SUITE 400  
WASHINGTON, DC 20007

MAR 26 1968

३८

**CONFIRMATION NO. 8177**

## FILING RECEIPT



\*OC00000005863709

Date Mailed: 03/15/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) Hutcheson, San Diego, CA;

~~Doug Hutchenson, Residence Not Provided;~~

Michael Brink, Bend, OR; Scot Jarvis, Sammamish, WA

**Continuing Data as Claimed by Applicant**

## Foreign Applications

If Required, Foreign Filing License Granted 03/14/2001

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Business method for providing wireless communication services, and network and system for delivering same

## Preliminary Class